

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**GASPAR SYLVESTER,**

**Plaintiff,**

**v.**

**BRUCE CHATMAN,**

**Defendant.**

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**CIVIL ACTION NO. 5:10-CV-464 (MTT)**

**ORDER**

Before the Court is the Plaintiff's Motion for Leave to Appeal in forma pauperis. (Doc. 17). This Court, by Order adopting the recommendation of Magistrate Judge Charles H. Weigle, denied the Plaintiff's petition for a writ of habeas corpus. (Doc. 14). Judgment was entered against him the next day. (Doc. 15). The Plaintiff filed a notice of appeal as to that Order and Judgment. (Doc. 16).

Pursuant to 28 U.S.C. § 1915(a)(3), "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." In the Court's judgment, the Plaintiff cannot in good faith appeal the denial of his habeas petition. As the Court recognized in its Order denying the petition, the Plaintiff did not make a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). Therefore, he was not granted a certificate of appealability. Without this certificate, the Court finds that the Plaintiff's attempt to appeal in forma pauperis cannot be taken in good faith.

Accordingly, the Plaintiff's Motion is **DENIED**. Any further requests to proceed in forma pauperis on appeal should be directed, on motion, to the United States Court of

Appeals for the Eleventh Circuit pursuant to Rule 24 of the Federal Rules of Appellate Procedure.

**SO ORDERED**, this 22nd day of February, 2013.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT